

ASSEMBLY BILL

No. 1914

Introduced by Assembly Member Bonilla

February 11, 2016

An act to add Section 66407.5 to the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1914, as introduced, Bonilla. Public postsecondary education: access codes.

(1) Existing law, known as the Donahoe Higher Education Act, sets forth the missions and functions of the segments of postsecondary education in this state. The California State University, under the administration of the Trustees of the California State University, the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, and the University of California, under the administration of the Regents of the University of California, constitute the 3 segments of public postsecondary education in this state. Provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the regents act, by appropriate resolution, to make those provisions applicable.

An existing chapter of the Donahoe Higher Education Act relates to the use of academic materials and provides that a court of competent jurisdiction is authorized to grant relief that is necessary to enforce the provisions of this chapter, including through the issuance of an injunction.

This bill would add to this chapter a provision that requires the trustees and the board of governors, and requests the regents, to adopt policies

for their respective segments regarding when it is acceptable for a faculty member to require students to purchase an access code, as defined. The bill would require that the policies adopted pursuant to the bill include, but not necessarily be limited to, a prohibition of any requirement that students be required to purchase an access code for purposes of accessing resources that are otherwise available to these students or for performing functions, as defined, that can be otherwise accomplished at no cost to these students on their campuses. The bill would express the intent of the Legislature that the faculty of the public postsecondary segments be encouraged to consider free or inexpensive options in selecting academic materials to assign to their students.

To the extent that the implementation of the policies adopted by the board of governors would impose new duties on community college districts, this bill would constitute a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 66407.5 is added to the Education Code,
2 to read:
3 66407.5. (a) The Trustees of the California State University
4 and the Board of Governors of the California Community Colleges
5 shall, and the Regents of the University of California are requested
6 to, adopt policies for their respective segments regarding when it
7 is acceptable for a faculty member to require students to purchase
8 an access code. The policies adopted pursuant to this section shall
9 include, but not necessarily be limited to, a prohibition of any
10 requirement that students be required to purchase an access code
11 for purposes of accessing resources that are otherwise available
12 to these students or for performing functions that can be otherwise
13 accomplished at no cost to these students on their campuses. It is
14 the intent of the Legislature that the faculty of the public

1 postsecondary segments be encouraged to consider free or
2 inexpensive options in selecting academic materials to assign to
3 their students.

4 (b) As used in this section:

5 (1) "Access code" means an identification number or password,
6 or both, that is used to gain access to digital content.

7 (2) "Function" includes, but is not necessarily limited to, the
8 submission of assignments, collection of grades, and
9 communication between faculty members and students.

10 SEC. 2. If the Commission on State Mandates determines that
11 this act contains costs mandated by the state, reimbursement to
12 local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.